

COMMISSION DIRECTIVE

ADMINISTRATIVE DEPT. XX

DATE August 12, 2003

TRANSPORTATION DEPT. _____

DOCKET NO. 2002-395-E

UTILITIES DEPT. _____

ORDER NO. 2003-435

SUBJECT: Docket No. 2002-395-E – Carolina Power & Light Company – Application for a Certificate of Environmental Compatibility and Public Convenience and Necessity. Discuss with the Commission a Motion to Correct Errors of Law filed on behalf of Carolina Power & Light Company. In addition, discuss with the Commission the Commission's procedural issues related to the Commission's decision to rehear this matter. COMMISSION ACTION:

Commissioner Carruth moved that the Commission rule that the Petition for Reconsideration is a Petition for Rehearing as the Commission previously determined. Now allegations have been raised and the Commission should consider them relevant to the determination of the issues in this matter.

I move that the Commission rule that the rehearing be limited to the issues raised by CP&L in its Petition for Reconsideration according to Code Section 58-27-2150. The rehearing should be limited to those issues raised by CP&L in its Petition for Reconsideration. Those issues are as follows (1) Alleged Agreement with the Bethea Home to by-pass the James' farm as a modification of B-25; (2) Nature of the so called greenway along highway 52; (3) The environmental impacts associated with routes B25, B28 and B25 as it might be modified by an agreement between CP&L and the Bethea Home; (4) Cost estimate issues as contained in CP&L's Petition of 7-22-03 which is that for reconsideration relating to routes B25, B28 and B25 as might become modified by an contract or agreement entered into by the Bethea Home and CP&L.

Move that the Commission rule that Late Filed Hearing Exhibit No. 4 is part of the evidence of the case because it was identified as a hearing exhibit and admitted as such as over the objection of CP&L.

Move that the Commission not take Judicial Notice of the greenway at this time, however, a site visit may be possible. Intervenor James has indicated a desire for a public hearing provided for in the context of the Commission Rehearing, should Intervenor James petition the Commission for some sort of public hearing in our usual fashion of night hearings within the context of the rehearing he is free to do so.

Move to instruct staff to set prefilng dates for testimony and exhibits, and a hearing date for the rehearing, and the hearing date should be set with adequate time for the parties to allow for the prefilng of testimony and exhibits and to afford at least 30 days notice of the hearing.

Commissioner Atkins advised the Commission that he was changing his yes vote from August 5, 2003, related to the granting of rehearing to a no vote and requested that the directive sheet reflect this change.

PRESIDING Clyburn

ATKINS No

CARRUTH Motion

CLYBURN Yes

MITCHELL Yes

MOSELEY Yes

SAUNDERS Yes

THEODORE Yes

REGULAR SESSION XX

SPECIAL SESSION _____

TIME OF SESSION 10:30 AM

APPROVED _____

APPROVED STC 30 DAYS _____

ACCEPTED FOR FILING _____

DENIED _____

AMENDED _____

TRANSFERRED _____

SUSPENDED _____

CANCELED _____

SET FOR HEARING _____

ADVISED _____

CARRIED OVER _____

RECORDED BY G. Walsh